



Docket No. VTN-546

#12
Election
313B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gregory S. Duncan et al.

Serial No. : 09/903,249 Art Unit: 3651

Filed : July 11, 2001 Examiner: Khoi H. Tran

For : ORDER BUILDER

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

February 27, 2003

(Date)

Ruby T. Hope

Name of applicant, assignee, or Registered Representative

RTH

(Signature)

February 27, 2003

(Date of Signature)

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Dear Sir:

This correspondence is in response the Office Action of September 30, 2002 (hereinafter "Office Action"), in which a shortened statutory period for response of three (3) months was set. A petition for a three month extension of time is submitted concurrently herewith.

In the Office Action,

"[r]estriction to one of the following inventions is required under 35 U.S.C.121:

- I. Claims 1-22, drawn to a process for automatically sorting a random assemblage of products, classified in class 700, subclass 216.
- II. Claims 23-28, drawn to a system for sorting ordered products based on product identifiers, classified in class 700, subclass 225."

While not conceding the propriety of this requirement Applicants elect to prosecute Claims 1-22 for purposes of examination. In addition, Applicants reserve the right to file divisional applications to inventions that are not claimed in the elected claims.

In the Office Action, it was asserted that

[t]his application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: the embodiment wherein the customized graphics are printed and added off-line;

Species II: the embodiment wherein the customized graphics are added in-line.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits ...

Applicants elect Species II as their single disclosed species in response to this requirement. Claims 5, 6, 8, and 15-22 read on this species.

Applicants respectfully submit all of the requirements of the Office Action have been met and that all claims are in condition for allowance. A notice of allowance for claims 1-22 is respectfully solicited. If the Examiner believes that an

interview would expedite the prosecution of this case, the Examiner is invited to call the undersigned agent at his or her convenience.

Respectfully submitted,



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